

CANADA

SUPERIOR COURT

(Civil Division)

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-17-074743-124

UNITED AIR LINES, INC.

and

CONTINENTAL AIRLINES, INC.

and

ELAINE CLARK

and

JESSICA ROSSMAN

and

JEFF WITTIG

Plaintiffs

vs.

DR. JEREMY COOPERSTOCK

Defendant

**AFFIDAVIT OF DR. JEREMY COOPERSTOCK IN SUPPORT
OF MOTION TO DISMISS THE ACTION AS BEING IMPROPER**

I, the undersigned, **DR. JEREMY COOPERSTOCK**, Defendant, of the Province of Québec, City of Westmount, District of Montréal, and therein domiciled and residing at 392 Grosvenor, solemnly affirm that:

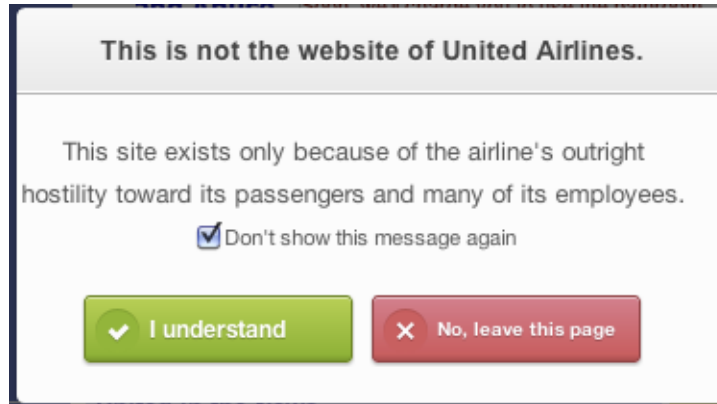
Background

1. I registered the domain name, Untied.com, on April 24, 1997. A copy of the domain registration information, as retrieved from the InterNIC Whois Search on December 17, 2012, indicating the creation date of the domain record, is attached and marked as **Exhibit R-1**;

2. I have been maintaining Untied.com for the past 15 years as both a forum for postings by passengers and employees of United Air Lines and as a satirical website, employing parody to point out the discrepancy between United Air Lines' slogans and marketing, and the reality of its service to passengers and treatment of employees;
3. Since the launch of Untied.com in 1997, the website has stated that "my play on the United name as well as the concept of 'Unfriendly Skies' is parody!" A copy of the disclaimer page, as it appeared on March 12, 2000, is attached and marked as **Exhibit R-2**;
4. Since 1997, I have collected over 25,000 posts by passengers and employees about United Air Lines through Untied.com. A copy of the "United Airlines' Record" page, discussing United Air Lines' record in responding to passenger complaints, retrieved on December 17, 2012, is attached and marked as **Exhibit R-3**;
5. Through Untied.com, I endeavour to facilitate more efficient communication between passengers and those in the airline with the decision-making authority to help resolve passenger problems. A copy of the page, "Contacting United-Continental", containing at the top a statement to this effect, retrieved on December 17, 2012, is attached and marked as **Exhibit R-4**;
6. I provide information regarding the legal rights of passengers and employees of United Air Lines through Untied.com. A copy of the page, "Should I complain, and if so how?", containing such legal information, retrieved on December 17, 2012, is attached and marked as **Exhibit R-5**;
7. Untied.com also includes information from decisions of regulatory bodies related to passenger rights in general and United Air Lines in particular. A copy of the page entitled "Decisions of the Canadian Transportation Agency against United Air Lines Inc.", containing a summary of these decisions, retrieved on December 17, 2012, is attached and marked as **Exhibit R-6**;
8. Untied.com includes a discussion of safety issues and United Air Lines' retaliation against whistleblowers who have exposed safety issues at the airline. A copy of the entry page to this discussion, retrieved on December 17, 2012, is attached and marked as **Exhibit R-7**;

Current state of Untied.com website

9. First-time visitors to Untied.com are greeted with a pop-up dialogue, as pictured here:



10. A screen capture showing what a first-time visitor to Untied.com sees, retrieved on December 17, 2012, is attached and marked as **Exhibit R-8**;
11. A screen capture showing what visitors to Untied.com see after acknowledging the pop-up dialog, retrieved on December 17, 2102, is attached and marked as **Exhibit R-9**;
12. The top of every page on Untied.com contains a disclaimer that reads as follows, "(This is **not** the web page of United Airlines)" (see **Exhibits R-3 to R-9**);

Posting of United Air Lines' senior employee work contact information

13. In October 1998, I became aware of a September 26, 1998 posting on the Internet newsgroup `rec.travel.air`, in which Ms. Katie Kimbell, an employee of United Air Lines, had encouraged passengers who "want a resolution or to be heard" to write to the Director for Passenger/Customer Relations, Ms. Denise Harvill or the President, Mr. Jim Goodwin. A copy of Ms. Kimbell's posting, retrieved on December 16, 2012, is attached and marked as **Exhibit R-10**;
14. Ms. Kimbell's posting (**Exhibit R-10**) provides the names, job titles, work address, and email addresses for both Ms. Denise Harvill and Mr. Jim Goodwin;

15. Beginning October 21, 1998, Untied.com offered a feature for passengers to copy their postings directly to Ms. Denise Harvill or Mr. Jim Goodwin at the time of submission to Untied.com. A copy of the "Complaints to United Airlines" page, as it appeared on January 27, 1999, is attached and marked as **Exhibit R-11**;
16. My records indicate that between October 1998 and September 2003, when Ms. Denise Harvill apparently left United Air Lines, passengers used this feature of Untied.com to send approximately 4000 letters of complaint to Ms. Denise Harvill's email address;
17. United Air Lines has never objected to my re-posting of Ms. Denise Harvill's contact information or to my forwarding of passenger postings to her attention;
18. In September 2003, I became aware that emails directed to Ms. Denise Harvill and to United Air Lines' general customer relations email address were being rejected by United Air Lines' mail server;
19. Since September 2003, I have periodically updated the Untied.com web pages with new addresses and contact information for reaching United Air Lines' personnel as I became aware of new information;
20. Until July 16, 2012, United Air Lines had never objected to my re-posting of employees' contact information;

Individual Plaintiffs' work contact information is publicly available from other third-party websites

21. The website "FindLaw" (findlaw.com), lists ten lawyers in the search results for United Continental Holdings Inc. A copy of these results, retrieved on December 18, 2012, is attached and marked as **Exhibit R-12**;
22. The website of the State Bar of Texas lists three lawyers in the search results for United Air Lines. A copy of these results, retrieved on December 18, 2012, is attached and marked as **Exhibit R-13**;
23. A copy of the search results for Ms. Jessica Rossman, displaying her name, work address, telephone number, job title, and education, from the website of the State Bar of Texas, retrieved on December 18, 2012, is attached and marked as **Exhibit R-14**;

24. A copy of the search results for Ms. Jessica Rossman, displaying her name, employer, work address, and telephone number, from the website of "FindLaw" (findlaw.com), retrieved on July 16, 2012, is attached and marked as **Exhibit R-15**;
25. A copy of the search results for Ms. Jessica Rossman, displaying her name, employer, and work address, from the website, "Super Lawyers" (superlawyers.com), retrieved on November 25, 2012, is attached and marked as **Exhibit R-16**;
26. A copy of the search results for United Airlines from the website, "ScamBook" (scambook.com), lists Ms. Jessica Rossman's email address. A copy of the results, retrieved on December 18, 2012, is attached and marked as **Exhibit R-17**;
27. A copy of the search results for Ms. Elaine Clark, displaying her name, employer, and job title, from the website, "LinkedIn", retrieved on November 20, 2012, is attached and marked as **Exhibit R-18**;
28. A copy of the search results for Ms. Elaine Clark, displaying her name, work address, employer, job title, email address, and telephone number, from the website, "NetProspex" (netprospex.com), retrieved on December 17, 2012, is attached and marked as **Exhibit R-19**;
29. The website of the State Bar of Texas lists eight lawyers in the search results for Continental Airlines. A copy of these results, retrieved on December 2, 2012, is attached and marked as **Exhibit R-20**;
30. A copy of the search results for Mr. Jeff Wittig, displaying his name, work address, telephone number, job title, and education, from the website of the State Bar of Texas, retrieved on November 25, 2012, is attached and marked as **Exhibit R-21**;
31. A copy of the search results for Mr. Jeff Wittig, displaying his name, work address, telephone number, job title, and education, from the website of the State Bar of Texas, retrieved on December 18, 2012, is attached and marked as **Exhibit R-22**;
32. A copy of the search results for Mr. Jeff Wittig, displaying his name, employer, work address, and telephone number, from the website of "FindLaw" (findlaw.com), retrieved on July 16, 2012, is attached and marked as **Exhibit R-23**;

33. A copy of the search results for Mr. Jeff Wittig, displaying his name, employer, job title, and education, from the website, "LinkedIn" (linkedin.com), retrieved on November 25, 2012, is attached and marked as **Exhibit R-24**;
34. A copy of the search results for Mr. Jeff Wittig, displaying his name, work address, telephone number, and education, from the website, "Avvo" (avvo.com), retrieved on November 25, 2012, is attached and marked as **Exhibit R-25**;

AND I HAVE SIGNED IN MONTREAL, ON DECEMBER 19, 2012.

DR. JEREMY COOPERSTOCK

SOLEMNLY DECLARED BEFORE ME IN MONTREAL
THIS 19TH DAY OF DECEMBER 2012.

COMMISSIONER FOR OATHS

List of Exhibits

- Exhibit R-1:** Untied.com domain name registration, dated December 17, 2012;
- Exhibit R-2:** Untied.com legal disclaimer as of March 12, 2000;
- Exhibit R-3:** Statistics of passenger complaints received by Untied.com, retrieved December 17, 2012;
- Exhibit R-4:** Untied.com listing of contacts at United Air Lines, retrieved December 17, 2012;
- Exhibit R-5:** Untied.com complaint tips, retrieved December 17, 2012;
- Exhibit R-6:** Untied.com information on regulatory decision, retrieved December 17, 2012;
- Exhibit R-7:** Untied.com discussion of safety issues, retrieved December 17, 2012;
- Exhibit R-8:** Appearance of main page of Untied.com as seen by first-time visitors, retrieved December 17, 2012;
- Exhibit R-9:** Appearance of main page of Untied.com after visitors have acknowledged the pop-up dialog, retrieved December 17, 2012;
- Exhibit R-10:** Posting in rec.travel.air newsgroup by United Air Lines employee Ms. Katie Kimbell, retrieved December 17, 2012;
- Exhibit R-11:** Untied.com passenger postings submission page, as it appeared on January 27, 1999;
- Exhibit R-12:** FindLaw search results for Continental Holdings Inc., retrieved December 18, 2012;
- Exhibit R-13:** State Bar of Texas search results for United Air Lines, retrieved December 18, 2012;

- Exhibit R-14:** State Bar of Texas search results for Jessica Rossman, retrieved December 18, 2012;
- Exhibit R-15:** FindLaw search results for Jessica Rossman, retrieved July 16, 2012;
- Exhibit R-16:** Super Lawyers search results for Jessica Rossman, retrieved November 25, 2012;
- Exhibit R-17:** ScamBook search results for United Air Lines, retrieved December 18, 2012;
- Exhibit R-18:** LinkedIn search results for Elaine Clark, retrieved November 20, 2012;
- Exhibit R-19:** NetProspex search results for Elaine Clark, retrieved December 17, 2012;
- Exhibit R-20:** State Bar of Texas search results for Continental Airlines, retrieved December 2, 2012;
- Exhibit R-21:** State Bar of Texas search results for Jeff Wittig, retrieved November 25, 2012;
- Exhibit R-22:** State Bar of Texas search results for Jeff Wittig, retrieved December 18, 2012;
- Exhibit R-23:** FindLaw search results for Jeff Wittig, retrieved July 16, 2012;
- Exhibit R-24:** LinkedIn search results for Jeff Wittig, retrieved November 25, 2012;
- Exhibit R-25:** Avvo search results for Jeff Wittig, retrieved November 25, 2012;

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**EXHIBITS REFERRED TO IN THE
AFFIDAVIT OF DR. JEREMY COOPERSTOCK IN SUPPORT
OF MOTION TO DISMISS THE ACTION AS BEING IMPROPER**

[Home](#)[Registrars](#)[FAQ](#)[Whois](#)

Whois Search Results

Search again (.aero, .arpa, .asia, .biz, .cat, .com, .coop, .edu, .info, .int, .jobs, .mobi, .museum, .name, .net, .org, .pro, or .travel) :

- ☒ Domain (ex. internic.net)
☐ Registrar (ex. ABC Registrar, Inc.)
☐ Nameserver (ex. ns.example.com or 192.16.0.192)

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information.

Domain Name: UNTIED.COM
Registrar: NAMEBAY
Whois Server: whois.namebay.com
Referral URL: <http://www.namebay.com>
Name Server: NS1.IPAGE.COM
Name Server: NS2.IPAGE.COM
Status: ok
Updated Date: 24-sep-2012
Creation Date: 24-apr-1997
Expiration Date: 25-apr-2015

>>> Last update of whois database: Mon, 17 Dec 2012 13:32:14 UTC <<<

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.


TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree not to

use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .COM, .NET, .EDU domains and Registrars.

[Report Inaccurate Whois listing](#)

This page last updated 01/24/2003


 INTERNET ARCHIVE
46 captures
12 Mar 00 - 1 Dec 10

http://untied.com/site/legal.html

Go

FEB MAR APR
12
1999 2000 2001

3

 Complaint Categories Go!

Shortcuts

[Home](#) | [Complaints](#) | [Feature of the week](#) | [United's record](#) | [About this site](#)

Legal Information

If you're one of those Chicgao heavyweights, please note the following:

- If you have a legal objection to something on my web site, please inform me (as opposed to, for example, the University of Toronto), and I will be happy to discuss it with you.
- Rather than sending me letters containing legal threats, signed by someone who no longer works for United Airlines, perhaps you could have an actual lawyer or current employee sign. Also, please use a [spell-checker](#).
- Contrary to your assertions, I had, as of early February 1997, complied with the request to remove United's trademarks and logos from my web pages (even though this request was never made directly to me). To the best of my knowledge, United does not own a trademark for "UNTIED AIRLINES" nor the phrase "The most unfriendly Skies," although I am finding the two terms showing up with increasing frequency in your own on-line materials!
- While I do not presume to have any legal training, it seems quite obvious that the [U.S. Trademark Dilution Law](#) exempts my web site. To quote:

In response to legitimate First Amendment concerns, the new law expressly exempts certain uses of a famous mark, in particular:
(1) "fair use" of a mark in the context of comparative commercial advertising or promotion;
(2) non-commercial uses, such as parody, satire and editorial commentary; and
(3) all forms of news reporting and news commentary.

In case it wasn't overly clear to you in the past, my play on the United name as well as the concept of "Unfriendly Skies" is **parody!** (Of course, the sad fact is that for many of us, it's also reality.)

Finally, my web site is not a business, even though my individual record (during the first year this site was operational) for replying to related letters seems to be more successful than United Airlines' entire so-called "customer relations" department.

Last update Monday, August 16, 1999. Copyright © 1999 [Jeremy Cooperstock](#). All Rights Reserved.



AN EVIL ALLIANCE MEMBER 

(This is **not** the website of United Airlines)

[Sign In](#) | [My Account](#) | [Contact Us](#)

| | | | | | | | |
|----------------------|----------------------------|-----------------------------|------------------------|-------------------------|------------------------------|-------------------------|--|
| Home | Passengers | Continental | Safety | Contact | About Untied | Support | |
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United Airlines' Record

In 2011, the U.S. Department of Transportation received a total of 1116 complaints against United Airlines (data from [Air Travel Consumer Reports](#) from the U.S. Department of Transportation), making it the most complained-about airline in the United States. For the first half of 2012 alone, that number has risen to 2734. Any guesses how United will do overall this year?

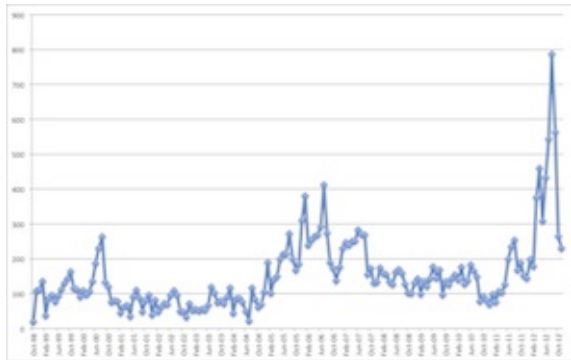
Here's the beginning of a typical passenger's letter we received:

United Airlines Customer Relations

This is the third time I have written to you on this matter. My mother also wrote to you on my behalf. Neither my mother or myself have even received so much as a courtesy response from you.

Sound familiar? If it does, you're not alone, and that's part of the reason for Untied.com. We did our part for several years by tracking customer complaints registered through our website and the responses from the airline received by passengers.

This began way back in 1998, in response to the comments of a United employee, Ms. Kimbell, who claimed that her employers "do care" about the passengers. As we [promised Ms. Kimbell](#) at the time we set up the new input form for submitting passenger complaints (and forwarding these directly to the airline), we posted the statistics here, hoping to see an improving trend with steadily decreasing numbers of complaints and increasing number of passengers who were satisfied with the outcomes of their complaints.



Number of complaints against United received by our site per month

For the first ten years we logged this data (from October 20, 1998 until mid-2008), Untied.com collected approximately 12,000 passenger complaints -- this number has since grown to approximately 26,000. During that time, passengers reported receiving approximately 100 responses from the airline, of which approximately half were considered unsatisfactory. Not very impressive by any stretch of the imagination....


 AN EVIL ALLIANCE MEMBER 
(This is **not** the website of United Airlines)
[Sign In](#) | [My Account](#) | [Contact Us](#)

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| Home | Complain | Continental | Safety | Contact | About Untied | Support | |
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Contacting United-Continental

Note that Untied.com strongly discourages readers from using the contact information provided below to harass or intimidate the management or other personnel at Untied Airlines. The addresses, emails, and telephone numbers are provided only as a means to facilitate more efficient communication between you and those in the airline with the decision-making authority to help resolve your problem.

- » United's headquarters address is 233 S Wacker Drive, Chicago, IL 60606, USA, but specific contacts for resolving your complaints (as publicly available from other websites) are as follows:

Ms. Anne Seeley
 Director, Customer Care
 P.O. Box 66100
 Chicago, IL 60666
 (832) 235-1802
anne.seeley@untied.com

Scott O'Leary
 Managing Director, Customer Solutions
 P.O. Box 66100
 Chicago, IL 60666
 (847) 700-4000
scott.oleary@untied.com

(note that we were [previously](#) listing other individuals as the Manager, Customer Relations and Vice President, Customer Contact Centers, but that information was apparently out of date)

- » For legal correspondence, you might want to contact:

Jessica Rossman
 Senior Counsel, Americas
 1600 Smith St., 15th Fl. HQSLG
 Houston, TX 77002
 (713) 324-5197
jessica.rossman@untied.com

- » For travel issues outside of the U.S.:

Jeff Wittig
 Senior Counsel, Asia and Pacific
 United Air Lines, Inc.
 1600 Smith St., 15th Fl. HQSLG
 Houston, Texas 77002
 713-324-9351 -- office phone
 713-324-5161 -- fax
jeff.wittig@untied.com

(note that we were previously listing a contact person to whom documentation in support of a claim should be submitted, but that individual might not be in a position to receive such material)

- » If you need to escalate to legal action in Quebec, United's agent is listed as:

Norton Rose Canada LLP
 2500-1 Place Ville Marie
 Montréal, Québec
 H3B 1R1 Canada

12/17/12

United Airlines

» Or if you want to experience the joy of being ignored, you can use United's "Customer Care" form or contact them at:

Customer Care
United Airlines, Inc.
900 Grand Plaza Drive NHCCR
Houston, TX 77067-4323
1-877-624-2660 (voice-mail only)


 AN EVIL ALLIANCE MEMBER 
(This is **not** the website of United Airlines)
[Sign In](#) | [My Account](#) | [Contact Us](#)

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| Home | Passengers | Continental | Safety | Contact | About Untied | Support | |
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Should I complain, and if so, how?

- » First, ask yourself objectively whether or not your complaint is frivolous. Reading through the many passenger letters posted [here](#), you will find some complaints dealing with:
 - » flight cancellations due to bad weather
 - » temporarily lost luggage
 - » unavailability of desired meal selection
 - » movie or music selections offered on flights
- If your complaint falls into one of those categories, the airline is not likely to respond to it seriously. Also, keep in mind that despite the general decline in United's service record over the last few years, the employees there are human, and can only accomplish so much in response to difficult situations. However, you should not accept this excuse for rude treatment or excessive incompetence.
- » If your complaint is serious, send it in writing to the attention of the appropriate party at the airline. Some contacts are provided [here](#). Be specific as to what you expect United to do, and give them a reasonable deadline to reply. In this regard, you might want to take a look at some of the [success stories](#) of other passengers.
- » Read the background material from the [Air Traveler's Handbook FAQ](#) by Mark Kantrowitz and consult the information available from the [Aviation Consumer Protection Division](#) of the US Department of Transportation.
- » As you write your letter, checking for spelling and grammar are highly encouraged. This makes your letter easier to read, even if the "person" at the other end is just a computer generating a form letter reply.
- » Keep your letter brief, coherent, and to the point. If you can't get the facts down in two pages, the letter is probably too long. The fill-in form [provided here](#) will help you focus on the points that are directly relevant to the airline.
- » Know your [rights as a passenger](#) and the actual time limits to make your claim (the airline's [policy may violate your rights](#)): Articles 17, 19, and 22 of the [Montreal Convention](#) deal with damage to baggage and delays on international flights; for any flights within or departing from the US [Regulation 14 CFR 250.5](#) limits compensation to \$1300; for flights departing from Europe [EU Regulation \(EC\) 261/2004](#) mandates compensation up to 600 Euros
- » The [Aviation Consumer Protection Division](#) (ACPD) of the U.S. Department of Transportation operates a complaint handling system for consumers who experience air travel service problems.
- » Consumers with concerns about airline safety or security can call the Federal Aviation Administration toll-free at 1-866-TELL-FAA (1-866-835-5322) or the Transportation Security Administration toll-free at 1-866-289-9673.
- » Consider escalation to a [Small Claims](#) court if your complaint is not resolved. The [Sue the Airlines](#) site offers additional background information and advice regarding the legal route. In general, it's good practice to advise UAL in writing of your intent to pursue this course of action if your demands are not met in a timely manner. Contact information is available [here](#).
- » Threatening or taking such legal action has been [successful for many former passengers](#)
- » Sending your complaint to the U.S. Attorneys General in [Illinois](#) and [Texas](#) (where United Airlines maintains its headquarters) have been helpful for some passengers
- » Make audio recordings of your interactions with United personnel. This is legal and the recordings are usually admissible in court. Don't forget, when you call the airline by telephone, they typically record the conversation at their end! Make sure you get the names of anyone with whom you speak. If you can't record the interaction, take detailed notes. Ask the airline representatives to put whatever they tell you in writing. If they refuse, type up your notes and send them by email as a written record.
- » If you purchased your ticket with a credit card and feel that United didn't deliver the contractually agreed upon service, dispute the charge with your credit card company.

AN EVIL ALLIANCE MEMBER (This is **not** the website of United Airlines)[Sign In](#) | [My Account](#) | [Contact Us](#)

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| Home | Passengers | Continental | Safety | Contact | About Untied | Support | |
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UNTIED.COM
IS
UNDER
ATTACK

Please help
us mount the
strongest
possible
defense by
donating to
our legal
defense fund.



Decisions of the Canadian Transportation Agency against United Air Lines Inc.

Decision No. [467-C-A-2012](#) (December 7,
2012)

The Agency *disallowed*:

- United's terms and conditions, containing language that shielded the airline from liability for damage caused by delay of passengers and baggage, as well as destruction, loss and damage to baggage;
- rule posted on United's website requiring that damage baggage be viewed by a United agent at the airport.

[More details...](#)

Decision No. [335-C-A-2012](#) (August 22, 2012)

The Agency found the following statement on United's website concerning baggage irregularities to be misleading: "Prior approval must be obtained through the Baggage Resolution Service Center in order for any expenses to be reimbursed."

Passengers do *not* need "prior approval" before they incur expenses, such as purchasing replacement clothing, if their baggage was delayed or lost. The Agency ordered United to remove the misleading information from its website.

Decision No. [182-C-A-2012](#) (May 16, 2012)

The Agency ordered United to remove misleading statements relating to liability for baggage that appeared in posted signs at the airport counters and on its website.

[More details...](#)

Related CTA Decisions

- » [249-C-A-2012](#)
- » [477-C-A-2010](#)
- » [309-C-A-2010](#)
- » [208-C-A-2009](#)
- » [227-C-A-2008](#)
- » [371-C-A-2005](#)
- » [211-C-A-2004](#)

Related Court Decisions

- » [Yalaoui v. Air Algérie](#), 2012 QCCS 1393
- » [Axel Walz v.](#)

Media Coverage

» May 17, 2012,
[Chronicle Herald](#)

Tweets about
untied.com



BP_Operations
RT
[@jamilaenta](#):
United
Airlines sues
[Untied.com](#)
for violating
intellectual



yumtacos
[@untied](#)
silencing
critics by
unleashing
censorship/SLA
suit against
the great
[untied.com](#):
[untied.com/SLA](#)



agentv What
companies



Join the
conversation

12/17/12

Untied Airlines

[Clickair SA](#),
[2919] All E.R.
53 (Case C-
63/09)
» [Air France c.](#)
[Madar](#), (Cass.
1ere civ., 19 juin
2008, 07-16.102)

AN EVIL ALLIANCE MEMBER (This is **not** the website of United Airlines)[Sign In](#) | [My Account](#) | [Contact Us](#)

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|----------------------|----------------------------|-----------------------------|------------------------|-------------------------|------------------------------|-------------------------|--|
| Home | Passengers | Continental | Safety | Contact | About Untied | Support | |
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Safety Concerns

An excellent discussion of safety issues is available from the [Federal Aviation Administration](#). Detailed data on domestic aviation accidents and incidents is available from the [National Transportation Safety Board](#) and its Aviation Accident/Incident Database.

In 1997-98, I received a number of letters alleging serious problems with UAL's safety procedures. In the first two weeks of January 1998 alone, I received one letter discussing an [emergency landing](#) at Heathrow due to an electrical fault that was not repaired prior to takeoff and another dealing with a [faulty aircraft flap](#) that was inadequately repaired.

That same month, a [former UAL pilot described a number of safety violations](#) that United was unwilling to correct, including at least one case of direct violation of FAA rules. While there may be good explanations for the incidents described in the previous two letters, one cannot help but be troubled by the account of UAL's attitude toward safety issues when coming from someone with extensive personal experience with the company.

When the pilot's article was posted, Untied.com gave United Air Lines an opportunity to respond:

Here's my challenge to the brass at UAL: I'm willing to open up my web site and give you the opportunity to respond. Tell us how you've corrected the problems described in the letters and assure your passengers that you value their safety more than their money. Describe how you monitor the performance of your pilots and ensure that all of your crew members, including reserve pilots, have adequate rest as required by the FAA. Finally, explain what you've done to prevent your pilots from taking off with undiagnosed or unrepaired electrical or mechanical problems.

And please, this time, spare us the ad campaign.

Unfortunately, [United's reply](#) simply denied the allegations without providing any details, and suggested that the former pilot "left [the] airline ... for reasons quite different from [those stated]." Since then, the pilot's supervisor from his Air Force days, an active duty Lt. Colonel, has [vouched for the integrity and professionalism of the former UAL pilot](#).

Most interestingly, a UAL Coordinator under the supervision of Mr. Soliday, UAL's former Vice President of Corporate Safety and Security, received a [letter of reprimand](#) on August 4, 1992, from the National Transportation Safety Board, regarding UAL's withholding of information related to the investigation into the fatal air crash of United flight 585 (that crashed in Colorado Springs). Could it be that UAL was more interested in covering up their questionable practices than fixing them?

As we wrote back in 1998, "If United wishes to whitewash over its glaring lapses in customer service, poor training procedures, incompetence of senior employees, and so on, with a laughable public relations campaign, that's one thing. However, turning a blind eye to serious safety issues is inexcusable. Once again, we offer UAL an opportunity to explain what it is doing to correct these problems -- we remain happy to publish the news here. Many readers have commented that they appreciate the candor of those pilots who give passengers honest information rather than excuses. Isn't it time for the airline to do the same?"

Since that time, there have been numerous additional charges of inattention and disregard for safety, many by current UAL employees.

At the end of May 2001, UAL terminated the employment of Tim Hafer, a former Warranty Coordinator with the airline, following his [informing the FAA of maintenance safety issues](#) related to the servicing of aircraft by third party vendors. These concerns for maintenance issues at UAL were subsequently reported by Forbes magazine.

In January 2002, we reported on a case involving a [whistleblower](#), who was reprimanded after reporting a crack in an aircraft frame and another regarding [poor training for security staff](#).

In April 2002, [Forbes magazine](#) ran a feature on airline safety, specifically citing incidents of maintenance oversight with subcontractors used by United. Not surprisingly, UAL [took exception to the article](#), denying the problem and further claiming that the "Forbes story cites several maintenance errors that are not substantiated in any of United's extensive maintenance records or quality- assurance reports." This was apparently an outright lie, given that a UAL mechanic was able to send us [copies of the maintenance reports](#) in question.

In September 2002, as UAL was spiraling into Chapter 11, we featured a discussion concerning the maintenance of U.S. Air Force aircraft at the [Charleston Air Force Base](#) by United Airlines' mechanics. By this time, numerous UAL mechanics had raised allegations of violations of FAA, Air Force and airline policies, and each time, UAL's response was the same denial of all wrongdoing. At present, this case is proceeding in the courts.

Of course, now that UAL is in bankruptcy protection, many of these issues are moot, but as the airline continues to fly planes with passengers on board, we should remain aware of United's attention to safety issues.

In December 2002, the Federal Aviation Administration announced a [\\$805,000 civil penalty against UAL](#) for making improper wing repairs using duct tape on three Boeing 727s. UAL's spokesman Joseph Hopkins says the airline will contest the fine because "the planes were not unsafe and no passengers were ever in danger." That would be easier to believe if not for the evidence of years of UAL's deliberate inattention to safety while hiding behind insulting slogans of "Safety First."

In May 2007, a commercial vehicle inspector wrote: "I was at O'Hare a couple of weeks ago and saw a United flight come in. One of the tires on the nose gear was completely bald. The tire next to it looked fine. I asked a retired USAF pilot about acceptable tire wear on airplanes. He said pilots compensate for tire wear on nose gear by keeping the weight off the nose as much as possible when landing. I showed him some photos of the plane at Chicago. He said the tire looked bad and should have been changed." The inspector legitimately wonders what the acceptable tread depth minimums are for tires on airplanes...

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Complaint categories (select all that apply)

- ☐ refunds ☐ special needs
- ☐ safety ☐ misinformation
- ☐ baggage ☐ premier class
- ☐ incompetence ☐ in-flight seating
- ☐ rudeness ☐ in-flight meals
- ☐ mileage plus ☐ unaccompanied minor
- ☐ other, specify:

Cabin: Economy

Proceed with details Complain

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This site exists only because of the airline's outright hostility toward its passengers and many of its employees.

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Find out more about other passengers' lawsuits to resolve their complaints.

United in the News

United Airlines Killed Our Golden Retriever

Sep 19, 2012 7:15:00 PM

Yet another pet death at the hands of indifferent United employees. The airline is proving itself to be even more hostile to animals than human passengers.

United wins worst #1 airline* in customer complaints for 2011 (and second-worst in 2010).

*Based on statistics compiled by the U.S. Department of Transportation.

Need legal help? Visit the United lawsuits page for information about legal action.

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Depart date: Time:

Complaint categories (select all that apply)

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☐ safety ☐ misinformation
☐ baggage ☐ premier class
☐ incompetence ☐ in-flight seating
☐ rudeness ☐ in-flight meals
☐ mileage plus ☐ unaccompanied minor
☐ other, specify:

Cabin:

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We abuse disabled vets and dogs. Let us abuse you too!

Latest News and Abuse

On most flights, pay more charges for checked bags, in-flight entertainment, and meals. Soon, we'll charge you to use the bathroom.

Complaints Database

Click below to read other complaints submitted by former passengers.

Complaint tips for passengers

Find out more about other passengers' lawsuits to resolve their complaints.

United in the News

United remains the only US carrier that continues to transport lab primates despite maltreatment.

Aug 22, 2012 6:47:00 PM

According to PETA, almost every major airline in the world refuses to transport lab monkeys, but not United. The question PETA doesn't ask is whether

Employee Tips

- Read about employee lawsuits against UAL and other feedback.
- Know your rights under the Workers Compensation Act

Lawsuit number: Court:

☐ Remember Me ☒ Forgot PIN?

[Protect yourself](#)

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United wins worst #1 airline* in customer complaints for 2011 (and second-worst in 2010).

*Based on statistics compiled by the U.S. Department of Transportation.



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United - how reach Big Kahuna? 7 posts by 6 authors in [rec.travel.air](#)

★ **Tom Farmer** Polar wrote: > > I have a list of beefs I'd like to send to the head cheese of > United. 26/09/1998

Katie Kimbell 26/09/1998 ☆ Post reply

Tom Farmer <farmer9011@worldnet.att.net> wrote:

>Polar wrote:
 >>I have a list of beefs I'd like to send to the head cheese of
 >>United. Anybody know who he/she/it might be, and how to reach them by
 >>email, fax, snailmail?
 >> Thanks.
 >> Polar
 >Save your printer ink. Nobody at UA reads or cares about passenger
 >letters -- you'll get a form response from some flunky. But if you want
 >to share your story with thousands and maybe have some effect, check >out www.untied.com -- which also has
 >voluminous tips on how to bother >the UA brass.

Mr. Farmer is ill informed and much misguided. I see the people in the Customer Relations department work hard every day and on weekends trying to respond to the volume of comments, complaints and compliments. The Director, Denise Harvill puts in long hours, as well. Letters are read, responded to and WE CARE. Form letters are used in many cases due to the volume of correspondence. These are supposed to help get a response quicker. Letters without specifics are more likely to get a form letter of some type.

The web site untied.com does absolutely nothing for problem resolution. It only gives you a place to vent. If you want a resolution or to be heard, then write to UA. Be specific, suggest a resolution you would find satisfactory (be reasonable). State names, dates, flights numbers, etc. so the research can be thorough and the response more than a form letter.

If you want snail mail, write to United-WHQPR, P.O. Box 66100, Chicago IL 60666. If you want a name, Denise Harvill is the name of the Director for Passenger/Customer Relations. If you want to write to the President, use the same address, only address it to Mr. Jim Goodwin. For e-mail, try jim.goodwin@ual.com or denise.harvill@ual.com.

If you don't tell us, we don't know and we can't make any attempt to fix it. Tell the disgruntled folks at untied.com if you want, but they can't solve your problem.

Good luck, and thanks for caring enough to let us know.

Katie Kimbell
 Sales Development Manager
 UAL Services
 my time, my money, my opinion - not my employer's and not on their behalf

★ **Steve Richardson** Tom Farmer wrote: 27/09/1998

★ **Steve Richardson** Polar wrote: 27/09/1998

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- ➔ *rudeness*
- ➔ *misinformation*
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Complaints to United Airlines

Please consider making a [token contribution](#) to help fund the site.

Why does this page have a new look? Click [here](#) for important information about recent changes and the letters policy.

If and when you receive a reply from United Airlines, please return to our [UAL replies](#) page to update our database.

When your story is added to the database, would you like your identity and all personal information kept anonymous?

Anonymous ☐ Ok to use my name ☒

Please provide us with some identifying information so that we may contact you, or help UAL reach you. Note that even if you requested anonymity, we cannot add your entry to the database without this information.

Your name:
 E-mail:
 City:
 Telephone #:

Please tell us what sort of problem you experienced and how you would like the matter resolved.

Complaint categories (select all that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> refund problem | <input type="checkbox"/> baggage | <input type="checkbox"/> safety |
| <input type="checkbox"/> unaccompanied minor | <input type="checkbox"/> special needs | <input type="checkbox"/> premier class disservice |
| <input type="checkbox"/> mileage plus problem | <input type="checkbox"/> in-flight seating | <input type="checkbox"/> in-flight meals |
| <input type="checkbox"/> employee rudeness | <input type="checkbox"/> incompetence | <input type="checkbox"/> misinformation |
| <input type="checkbox"/> other, please specify: <input type="text"/> | | |

How have you tried to resolve the problem?

- ☐ spoke to a United Airlines employee at the airport/on the flight
☐ made a complaint by [telephone to United Airlines](#)
☐ wrote a [letter to United Airlines](#)
☐ sent an [e-mail to United Airlines](#)
☐ contacted the [U.S. Department of Transportation](#)
☐ contacted the media or a consumer rights watchdog
☐ using this form at Untied.com is the first thing I've tried

If you have the names of any UAL employees with whom you communicated and the dates of this communication, please enter it here.

What, if any, was the outcome of your previous attempt(s) to resolve the problem?

Have you...?

- ☐ threatened to take your business to another airline
☐ threatened to sue if the matter is not resolved
☐ discussed the matter with a lawyer

12/17/12

Send us your comments about United Airlines

- ☐ filed a motion with small claims court
☐ not yet made any threats or considered legal action

How would you like the problem resolved?

- ☐ form letter reply from United Airlines
☐ reply letter from United Airlines that directly addresses my complaint
☐ travel vouchers for discounts on future flights with United
☐ refund or reimbursement, please specify amount:
☐ no reply required; I just wanted to vent
☐ other, please specify:

Please provide us with specific information about your flight:

Date:
Flight #:
From city:
To city:
Ticket #: (13 digits)
Ticket cost:

You may enter any specific comments that will help describe and resolve the problem. **Please try to be brief** (the people reading your letters at United Airlines tend to have a very short attention span):

Copy your message directly to United Airlines?

- ☐ united@ual.com, United Airlines general email contact
☐ Denise Harvill, Director of Customer Relations
☐ James Goodwin, President and Chief Operating Officer

Note: If you select any of the above checkboxes, the information you entered here, including your name and message, will be copied automatically to the selected addresses.

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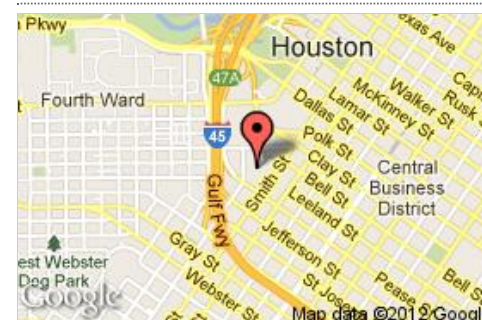
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Attorneys

Office Information

Bried, Abby Lynne
Senior Attorney**Himani, Richa**
In-House/Corporate Counsel**Von Atzingen, James William**
Managing Attorney – Finance**Curtis, Robin Elizabeth**
Attorney**Kelley, Douglas Paul**
In-House/Corporate Counsel**Wittig, Jeffrey Ashton**
In-House/Corporate Counsel**Fehring, Darren Anthony**
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Consider the following:

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Here are a few to get you started:

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What are your fees and costs?

What are the next steps?

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United Air Lines, Inc. 15th Fl. -- Hqslg **Phone: 713-324-2377**

1600 Smith St Fl 22
Houston, TX 77002-7531

Primary Practice Location: HOUSTON, TX

Practice Areas: None Specified by Attorney

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**Richa Himani**

United Air Lines, Inc./Continental Airlines, Inc. 1600 Smith, HQSLG

Houston, TX 77002

Phone: 713-324-2036 Primary Practice Location: HOUSTON, TX

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1600 Smith StTX 77002-
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**Jessica Rossman**[{ VIEW FULL PROFILE }](#)

United Air Lines, Inc. 15th Fl Hqslg Houston, **Phone: 713-324-5197**

1600 Smith StTX 77002-

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Primary Practice Location: HOUSTON, TX

Practice Areas: None Specified by Attorney

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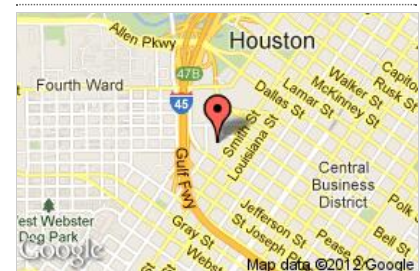
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ATTORNEY PROFILE



Jessica Rossman-Martin

Continental Airlines, Inc.

1600 Smith Street, 15th Floor HQSLG
Houston, TX 77002

Practice Areas: International (80%), Employment & Labor (10%),
Business/Corporate (10%)

Law School: University of California Berkeley School of Law -
Boalt Hall

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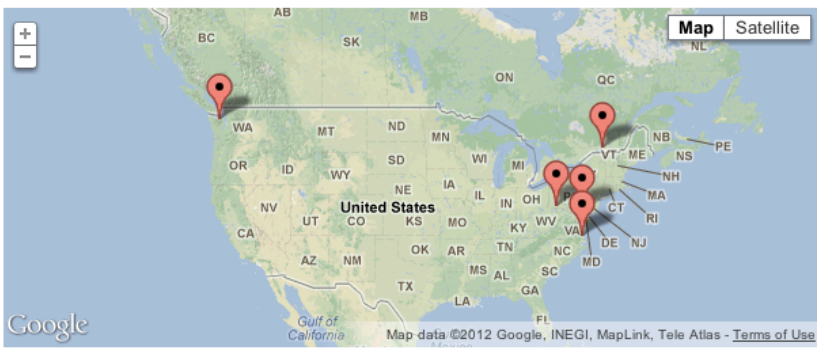
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Questions? 1-888-826-4877

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|--------------------------|---|--------------|--|---|
| <input type="checkbox"/> | Elaine Clark elaine.clark@coair.com 713 324-5000 / 713 324-2950 | Risk Manager | Continental Airlines Inc 1600 Smith St Houston, TX 77002-7362 http://www.continental.com | 12/14/12 Report Bad Data |

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Organization/Firm: Continental Airlines

STATUS ICONS: Eligible to Practice | Not Eligible to Practice | Inactive | Deceased

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Katharine Jane Vande Caplan

Continental Airlines, Inc. 15th Floor HQSLG

Phone: 713-324-6121

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1600 Smith St
Houston, TX 77002-7531

Primary Practice Location: HOUSTON, TX

Practice Areas: Aviation, Business, Intellectual Property



Larry E. Davidson

Continental Airlines, Inc. 77 W. Wacker Dr. **Phone: 312-997-2932**

Chicago, IL 60601

[{ VIEW FULL PROFILE }](#)

Primary Practice Location: HOUSTON, TX

Practice Areas: None Specified by Attorney



Deborah Edwards

Continental Airlines **Phone: 872-825-5306**

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Practice Areas: None Specified by Attorney



Sarah Elizabeth Hagy

Continental Airlines, Inc. 1600 Smith St HQSLG **Phone: 713-324-5433**

Houston, TX 77002

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Primary Practice Location: HOUSTON, TX

Practice Areas: None Specified by Attorney



Richa Himani

United Air Lines, Inc./Continental Airlines, Inc. 1600 Smith, HQSLG

Houston, TX 77002

[{ VIEW FULL PROFILE }](#)

[{ VIEW FIRM WEBSITE }](#)

[{ SEND AN EMAIL }](#)

Phone: 713-324-2036 **Primary Practice Location:** HOUSTON, TX

Practice Areas: Business, Real Estate



Douglas Paul Kelley

Continental Airlines Inc Legal Dept PO Box 4607 Houston,

TX 77210-4607

[{ VIEW FULL PROFILE }](#)

Phone: 713-324-5156

Primary Practice Location: HOUSTON, TX

Practice Areas: Antitrust, Aviation, Business, International


Louis K. Obdyke
[{ VIEW FULL PROFILE }](#)

Continental Airlines Inc - Retired 201 Blanco River Ranch Rd.
San Marcos, TX 78666

Phone: 512-396-8537 Primary Practice Location: SAN MARCOS, TX

Practice Areas: Labor-Employment


Jeffrey Ashton Wittig
[{ VIEW FULL PROFILE }](#)

Continental Airlines, Inc. Hqs lg

Phone: 713-324-9351

1600 Smith St Fl 22
Houston, TX 77002-7531

Primary Practice Location: Houston, TX

Practice Areas: Aviation, Business, International



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**Mr. Jeffrey Ashton 'Jeff' Wittig**

Bar Card Number: 24003190

Work Address: Hqslg
1600 Smith St Fl 22
Houston, TX 77002-7531

Work Phone Number: 713-324-9351

Primary Practice Location: Houston , Texas

Current Member Status

Eligible To Practice In Texas

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LICENSE INFORMATION

Bar Card Number: 24003190

Texas License Date: 11/07/1997

WEBSITE**COURTS OF ADMITTANCE****Federal**

None Reported By Attorney

Other Courts

None Reported By Attorney

OTHER STATES LICENSED

None Reported By Attorney

PRACTICE INFORMATION

Firm: Continental Airlines, Inc.

Firm Size: 11 to 24

Occupation: In-House/Corporate Counsel

Practice Areas: Business, International, Aviation

Services Provided: Hearing impaired translation: **Not Specified**
ADA-accessible client service: **Not Specified**
Language translation: **Not Specified**

Foreign Language Assistance: None Reported By Attorney

LAW SCHOOLS

| Law School | Graduation Date | Degree Earned |
|-----------------------|-----------------|---|
| University Of Houston | 05/1997 | Doctor of Jurisprudence/Juris Doctor (J.D.) |
| University Of Houston | 12/2004 | Master of Laws |

PUBLIC DISCIPLINARY HISTORY**State of Texas***

| Sanction | Date of Entry | Sanction Date Start - End | Probation Date Start - End |
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Other States

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None Reported By Attorney

Statutory Profile Last Certified On: 08/25/2011

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OVERVIEW

CONTACT AND MAP

**Mr. Jeffrey Ashton 'Jeff' Wittig**

Bar Card Number: 24003190

Work Address: Hqslg
1600 Smith St Fl 15
Houston, TX 77002-7531

Work Phone Number: 713-324-9351

Primary Practice Location: Houston , Texas

Current Member Status
Eligible To Practice In Texas

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LICENSE INFORMATION

Bar Card Number: 24003190

Texas License Date: 11/07/1997

COURTS OF ADMITTANCE**Federal**

None Reported By Attorney

Other Courts

None Reported By Attorney

PRACTICE INFORMATION

Firm: United Airlines

Firm Size: 11 to 24

Occupation: In-House/Corporate Counsel

Practice Areas: Business, International, Aviation

Services Provided: Hearing impaired translation: **Not Specified**
ADA-accessible client service: **Not Specified**
Language translation: **Not Specified**

OTHER STATES LICENSED

None Reported By Attorney

Foreign Language Assistance: None Reported By Attorney

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LAW SCHOOLS

| Law School | Graduation Date | Degree Earned |
|-----------------------|-----------------|---|
| University Of Houston | 05/1997 | Doctor of Jurisprudence/Juris Doctor (J.D.) |
| University Of Houston | 12/2004 | Master of Laws |

PUBLIC DISCIPLINARY HISTORY**State of Texas***

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Other States

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None Reported By Attorney

Statutory Profile Last Certified On: 12/11/2012

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HQSLG
Houston, TX 77002-7531
Phone: (713) 324-9351
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Consider the following:
Comfort Level – Are you comfortable telling the lawyer personal information? Does the lawyer seem interested in solving your problem?
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City – Is the lawyer's office conveniently located?

NOT SURE WHAT QUESTIONS TO ASK A LAWYER?

Here are a few to get you started:

- How long have you been in practice?
- How many cases like mine have you handled?
- How often do you settle cases out of court?
- What are your fees and costs?
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Jeff Wittig
Sr. Counsel at United Air Lines
Houston, Texas Area | Airlines/Aviation

Current Sr. Counsel and Managing Director Asia / Pacific at Continental Airlines
Previous Continental Airlines
Education B.A., Government at The University of Texas at Austin

Send InMail

118 connections

www.linkedin.com/pub/jeff-wittig/31/579/a14

Experience

Sr. Counsel and Managing Director Asia / Pacific
Continental Airlines
Public Company; 10,001+ employees; CAL; Airlines/Aviation industry
June 2011 – Present (1 year 6 months)

Sr. Attorney
Continental Airlines
Public Company; 10,001+ employees; CAL; Airlines/Aviation industry
1997 – 2011 (14 years)

Education


The University of Texas at Austin
B.A., Government


University of Houston
LL.M., International Law

University of Houston
J.D., Law

Additional Information

Groups and Associations:

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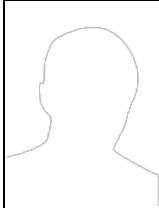
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Overview

Practice Areas



34% Aviation
33% Business
33% International Law

Contact Information

Continental Airlines, Inc.
Hqslg
1600 Smith St FL 22
Houston, TX 77002
Office: 713-324-9351
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References

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Résumé

License

15 years since Jeffrey Ashton Wittig was first licensed to practice law.

| State | License status | Year acquired | Last updated by Avvo |
|-------|-------------------------------|---------------|----------------------|
| Texas | Eligible To Practice In Texas | 1997 | 11/15/2012 |

We have not found any instances of professional misconduct for this lawyer.

Education

| School | Major | Degree | Graduated |
|-----------------------|---|--------|-----------|
| University of Houston | Master of Laws | | 2004 |
| University of Houston | Doctor of Jurisprudence/Juris Doctor (J.D.) | | 1997 |

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